

No. 13-2661

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

MARY E. SHEPARD and ILLINOIS)	Appeal from the United States
STATE RIFLE ASSOCIATION,)	District Court for the
)	Southern District of Illinois
Plaintiffs-Appellants,)	
)	No. 11-405-WDS-PMF
v.)	
)	
LISA MADIGAN, et al.,)	The Honorable
)	William D. Stiehl,
Defendants-Appellees.)	Judge Presiding.

CORRECTED DOCKETING STATEMENT

Pursuant to Circuit Rule 3(c)(1), State Defendants-Appellees Lisa Madigan, Pat Quinn, and Tyler Edmonds state that the docketing statement filed by plaintiffs-appellants is incomplete, and accordingly submit the following corrected docketing statement:

1. The district court originally had jurisdiction under 28 U.S.C. § 1331 over plaintiffs' complaint for declaratory and injunctive relief because plaintiffs raised federal constitutional claims under 42 U.S.C. § 1983.

2. This Court has appellate jurisdiction pursuant to 28 U.S.C. § 1291. In an order dated and entered on July 26, 2013, the district court entered judgment against plaintiffs and granted defendants' motion to dismiss the complaint as moot. Doc. 89. Although the district court's judgment appears to finally dispose of all claims (except for plaintiffs' collateral claims to attorneys' fees and costs, which arise after Rule 58 judgment, *Smith v. Village of Maywood*, 970 F.3d 397, 399-400

(7th Cir. 1992)), Doc. 89 at 10, the district court did not enter a separate judgment order under Rule 58 of the Federal Rules of Civil Procedure, and plaintiffs have not requested the district court to enter such judgment, *Perry v. Sheet Metal Workers' Local No. 73 Pension Fund*, 585 F.3d 358, 362 (7th Cir. 2009). But the district court nevertheless made clear that “it is done with [the] case” (except for the issue of attorneys’ fees and costs); thus, this Court may treat the district court’s July 26, 2013 order as a final, appealable judgment. *Luevano v. Wal-Mart Stores, Inc.*, No. 11-1917, 2013 WL 3599156 (7th Cir. July 16, 2013). On July 30, 2013, plaintiffs filed a notice of appeal. Doc. 91.

3. There is a prior federal appellate proceeding: on December 11, 2012, this Court reversed the district court’s previous judgment dismissing plaintiffs’ complaint for failure to state a claim. *Moore v. Madigan*, Nos. 12-1269 & 12-1788, 702 F.3d 933, 942 (7th Cir. 2012), *reh’g denied*, 708 F.3d 901 (7th Cir. 2013).

4. Defendants Lisa Madigan, Attorney General of the State of Illinois; Pat Quinn, Governor of the State of Illinois; Tyler Edmonds, State’s Attorney of

Union County; and David Livesay, Sheriff of Union County; appear in their official capacity and remain in those offices.

August 2, 2013

Respectfully submitted,

LISA MADIGAN
Attorney General of Illinois

By /s/ Karl Triebel
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CERTIFICATE OF SERVICE

I certify that on August 2, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Karl Triebel
KARL TRIEBEL